

## HOUSE BILL NO. 391

INTRODUCED BY L. CYR, NEWMAN, HARRINGTON

BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A VEHICLE APPROACHING A STATIONARY EMERGENCY VEHICLE MOVE TO ANOTHER LANE OF THE HIGHWAY IF POSSIBLE AND SAFE; REQUIRING THAT THE OPERATOR OF A VEHICLE APPROACHING A STATIONARY EMERGENCY VEHICLE DRIVE AT A REDUCED SPEED; AND AMENDING SECTION 61-8-346, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-346, MCA, is amended to read:

**"61-8-346. Operation of vehicles on approach of police vehicles or authorized emergency vehicles -- approaching stationary emergency vehicles.** (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of 61-9-402 or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in ~~such~~ that position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrol officer.

(2) This section ~~shall not operate to~~ does not relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(3) Upon approaching a stationary authorized emergency vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the driver of the approaching vehicle shall:

(a) reduce the vehicle's speed, proceed with caution, and if possible considering safety and traffic conditions, move to a lane adjacent to or away from THAT IS NOT ADJACENT TO the lane in which the authorized emergency vehicle is located OR MOVE AS FAR AWAY FROM THE AUTHORIZED EMERGENCY VEHICLE AS POSSIBLE; or

(b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through

1 the area where the authorized emergency vehicle is stopped."

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